

Remarks

Claims 1, 3-8, 10-16, 18-24 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 46 of U.S. Patent 6,464,629. Additionally, claims 4, 11 and 19 have been rejected on the ground of obviousness-type double patenting as being unpatentable over claim 46 of U.S. Patent 6,464,629 in view of Boone et al (6,740,028). In response, the Applicants respectfully traverse the rejections. The claims, as amended herein, are directed to a device and system which have a slideable jaw coupled to a mount, such that the mount and the slideable jaw define an opening which may vary in width for receiving a retractor element. The claims, as amended herein, are also directed to a device and system which have a spring bias to slideably urge the jaw toward a clamping engagement with the retractor element. The claims, as amended herein, are also directed to a device and system which have a slideable jaw which is movable against a spring bias to slideably withdraw the jaw and thereby release the retractor element. The text of claim 46 of U.S. Patent 6,464,629 does not include such limitations, which render claims 1-24 patentably distinct from claim 46 of U.S. Patent 6,464,629. Reconsideration and withdrawal of the rejections is respectfully requested.

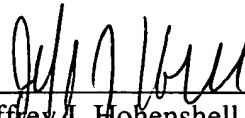
Claims 1-24 have been rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Taylor et al (6,394,951). In response, the Applicants respectfully traverse the rejection. The Applicants' invention employs a clamping portion that can be applied securely to conventional surgical retractors and can be applied and removed easily by the operator. Conventional surgical retractors can have retractor arms that may vary in width. In the device described in Taylor et al, a clamp is disclosed that has a mating portion with a dovetail configuration specifically adapted to be engaged with a complimentary dovetail configuration provided on the retractor. It is not disclosed to be used with conventional surgical retractors or surgical retractors having varying widths. What makes the clamp in the Applicants' invention accommodate varying retractor widths is the use of a slideable jaw portion that defines an opening that may vary in width to accommodate the retractor. The clamp in Taylor et al does not include a slideable jaw but instead includes a pivoting portion which is indicated to

“pivot slightly” (See Taylor Col. 45 lines 43-48) to bring the dovetail of the clamp into engagement with a corresponding dovetail portion on the retractor. Taylor et al shows in figure 76 a retractor with one dovetail structure built into each arm. There is no indication that the clamp can be used with a conventional retractor that does not include the cooperating dovetail structure or that it can be used with retractors that vary considerably in width. The Applicants’ claims have been amended herein to include a slideable jaw coupled to a mount, such that the mount and the slideable jaw define an opening which may vary in width for receiving a retractor element. The Applicants’ claims have also been amended to indicate how a spring bias to the slideable jaw can provide for easy application and removal of the clamp from the retractor. In particular, the slideable jaw is spring biased relative to the mount to slideably urge the jaw toward a clamping engagement with the retractor element within the opening and also is movable against the spring bias to slideably withdraw the jaw and thereby release the retractor element. There is no disclosure in Taylor of such a spring bias. For these reasons, the rejection under 35 USC 102(e) and/or 35 USC 103(a) should be withdrawn.

Reconsideration and allowance of the application, as amended, is respectfully requested.

A petition for a three month extension of time accompanies this response. Please charge \$1,020.00 to Deposit Account No. 13-2546 for the three month extension of time. Please charge any additional required fees or credit any overpayment to Deposit Account No. 13-2546.

Respectfully Submitted,



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